

Below is the Order of the Court.



**Christopher M. Alston**  
**U.S. Bankruptcy Judge**

(Dated as of Entered on Docket date above)

**RCO Legal, P.S.**

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Honorable Judge Christopher M Alston  
Chapter 13  
Hearing Location: Seattle  
Hearing Date: January 14, 2016  
Hearing Time: 9:30 a.m.  
Response Date: January 7, 2016

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE:

PHILLIP A LOCKE, SR.

Debtor.

**CHAPTER 13 BANKRUPTCY**

**NO.: 14-17083-CMA**

**STIPULATED ORDER CONDITIONING STAY  
AND CO-DEBTOR STAY AS TO BAYVIEW  
LOAN SERVICING, LLC, A DELAWARE  
LIMITED LIABILITY COMPANY**

THIS MATTER came before the Court on January 14, 2016 for hearing on Bayview Loan Servicing, LLC, a Delaware Limited Liability Company's ("Creditor") motion for relief from stay and co-debtor stay. The Court having reviewed the files and records and finding that the parties, the Creditor, through its attorney John McIntosh and the debtors, Phillip A Locke, Sr., ("Debtor") through their attorney M Wayne Boyack stipulate and agree to entry of this order, NOW THEREFORE, IT IS HEREBY:

Stipulated Order Conditioning Stay and Co-Debtor  
Stay  
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LEGAL, P.S.**

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1 ORDERED that the stay existing pursuant to 11 U.S.C. § 362(a) as to the property located at  
2 1815 East Helena St, Pasco, WA 99301 and legally described in the Deed of Trust attached as an  
3 exhibit to the original motion for relief shall remain in effect as to Creditor subject to the following  
4 conditions:

5 1. The Debtor shall resume monthly mortgage payments due Creditor immediately beginning  
6 with the January 5, 2016 payment in the amount of \$539.08 and continuing each month thereafter as  
7 due.

8 2. The Debtor stipulates to a post-petition arrearage of \$4,722.83. This amount is comprised  
9 of monthly payments of \$539.08 for the months of June 5, 2015 through December 5, 2015, and  
10 bankruptcy attorney fees and costs in the amount of \$1,026.00, less suspense of \$76.73. Payments shall  
11 be made to Creditor at M & T Bank, PO Box 1288, Attn Payment Processing, Buffalo, NY, 14240-  
12 1288.

13 3. To cure the accumulated arrears, Debtor shall make a lump sum payment in the amount of  
14 \$4,722.38 within 10 days of the entry of this order.

15 IT IS FURTHER ORDERED that should the Debtor fail to resume and keep current the  
16 monthly payments or fail to cure the arrears as provided, Creditor shall provide written notice of the  
17 default to the Debtor and the Debtor's attorney. The Debtor will then have 15 days from the date the  
18 written notice was mailed or delivered to the Debtor and the Debtor's attorney to bring the required  
19 payments current, including payments falling due after the date of the notice.

20 IT IS FURTHER ORDERED that if Debtor fails to cure the default as outlined in the notice,  
21 then Creditor shall be entitled to submit an order terminating the automatic stay and any co-debtor stay  
22 supported by a certificate of non-compliance and copy of the mailed written notice of default.

23 IT IS FURTHER ORDERED that upon the third default of this Stipulated Order, Creditor shall  
24 be entitled to submit an *ex parte* order terminating the automatic stay and any co-debtor stay without  
25 further notice to the debtor or the debtor's attorney.  
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1 IT IS FURTHER ORDERED that the terms of this order shall be effective and bind the Debtor  
2 regardless of the terms of any subsequently filed Chapter 13 plan of reorganization in this case.  
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5 /// End of Order ///

6 Presented by:

7  
8 /s/ James K. Miersma for:

9 John McIntosh, WSBA# 43113  
10 Attorney for Creditor

11 Approved as to form and content;  
12 Notice of presentation waived:

13 /s/ M. Wayne Boyack, per email authorization received on January 13, 2016

14 M Wayne Boyack, WSBA #  
15 Attorney for Debtors  
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